

ARTICLE 24:54
TEACHER COMPENSATION PROGRAM

24:54:01. Definition of terms.

24:54:02. Teacher Compensation Assistance Oversight Board.

24:54:03. Program guidelines.

24:54:04. Application and award criteria.

CHAPTER 24:54:01
DEFINITION OF TERMS

24:54:01. Definitions. Terms used in this article mean:

- (1) “Certified instructional staff,” classroom teachers and school service specialists;
- (2) “District instructional goals,” a program based on specific educational goals or objectives developed by a school district;
- (3) “Market compensation,” a program based on market driven factors to recruit and retain teachers in positions that are difficult to staff;
- (4) “Oversight board,” the Teacher Compensation Assistance Oversight Board;
- (5) “Secretary,” the secretary of education;
- (6) “State board,” the South Dakota Board of Education;

- (7) “Teacher compensation funds,” funds used to directly enhance teacher salaries under the teacher compensation assistance program established pursuant to SDCL 13-3-73 .

General Authority: SDCL 13-3-73, 13-3-75.

Law Implemented: SDCL 13-3-73, 13-3-74, 13-3-75.

CHAPTER 24:54:02

TEACHER COMPENSATION ASSISTANCE OVERSIGHT BOARD

Section

24:54:02:01. Duties

24:54:02;02. Appointment and terms of board members

24:54:02;03. Composition

24:54:02.01. Duties. The Teacher Compensation Assistance Oversight Board shall review all school district applications for teacher compensation funds. The board shall meet a minimum of twice a year for the following purposes:

- (1) To recommend to the South Dakota Board of Education those districts that should be approved for teacher compensation funds, as well as those districts that should not be approved for such expenditures;
- (2) To monitor the progress of participating school districts and submit its findings to the South Dakota Board of Education.

The South Dakota Board of Education has final authority to approve or disapprove teacher compensation funds.

General Authority: SDCL 13-3-73, 13-3-75.

Law Implemented: SDCL 13-3-73, 13-3-74, 13-3-75.

24:54:02:02. Appointment and terms of board members. The secretary of education shall appoint nine voting members and one non-voting member to the Teacher Compensation Assistance Oversight Board. The terms of the voting members of the first Teacher Compensation Assistance Oversight Board are:

- (1) One-third appointed for one-year terms;
- (2) One-third appointed for two-year terms; and
- (3) One-third appointed for three-year terms.

The first non-voting member shall be appointed to a three-year term. All subsequent terms are for three years. Members of the initial board are eligible for reappointment. Any person appointed to the initial board for a term of less than three years or any person appointed to the board to fulfill the unexpired portion of a term shall serve for the initial term or for the unexpired portion of the term and may be reappointed for no more than two additional three-year terms. Except as provided in this section no person may serve more than two, three-year terms on the board.

General Authority: SDCL 13-3-73, 13-3-75.

Law Implemented: SDCL 13-3-73, 13-3-74, 13-3-75.

24:54:02:03. Composition. The Teacher Compensation Assistance Oversight Board shall include representatives from each of the following groups:

- (1) Department of Education, one non-voting member;
- (2) South Dakota Legislature, two voting members;
- (3) School administrator, one voting member;
- (4) School business official, one voting member;
- (5) School board member, one voting member;
- (6) Business leader, one voting member;
- (7) Teacher, one voting member; and
- (8) Two voting members at large.

General Authority: SDCL 13-3-73, 13-3-75.

Law Implemented: SDCL 13-3-73, 13-3-74, 13-3-75.

CHAPTER 24:54:03

PROGRAM GUIDELINES

24:54:03:01. Use of funds.

24:54:03:02. District plans.

24:54:03:01. Use of funds. Teacher compensation funds are subject to the following conditions::

- (1) Funds may be distributed to certified instructional staff only;
- (2) Funds may supplement but not supplant local school district salary policy;

- (3) Funds must include matching funds as provided in SDCL 13-3-73. The matching funds may be taken from district general funds, federal funds, or private fund;
- (4) Funds may not be used for the purpose of providing substitute teachers;
- (5) Funds may not be used to contract with outside vendors for professional development services;
- (6) Funds may not be used to provide payroll benefit payments to teachers beyond the cost of social security and retirement-related compensation;
- (7) Funds may not be used to provide base salaries for new personnel; and
- (8) Funds may not be used to equally divide compensation to all teachers in the salary schedule.

General Authority: SDCL 13-3-73, 13-3-75.

Law Implemented: SDCL 13-3-73, 13-3-74, 13-3-75.

24:54:03:02. District plans. District plans must focus on meeting district goals, a plan to enhance teacher compensation through market compensation strategies, or both. Plans must be approved by the local school board before submission to the Department of Education.

General Authority: SDCL 13-3-73, 13-3-75.

Law Implemented: SDCL 13-3-73, 13-3-74, 13-3-75.

CHAPTER 24:54:04

APPLICATION AND AWARD CRITERIA

Section

24:54:04:01. Application requirements.

24:54:04:02. Application timeline.

24:54:04:03. Required documentation.

24:54:04:04. Award criteria.

24:54:04:01. Application requirements. School districts must apply for teacher compensation funds on forms provided by the secretary. A school district's application for teacher compensation funds must be approved by the local board of education before submission to the Department of Education.

General Authority: SDCL 13-3-73, 13-3-75.

Law Implemented: SDCL 13-3-73, 13-3-74, 13-3-75.

24:54:04:02. Application timeline. The following timeline applies to applications for the teacher compensation funds:

- (1) Applications are made available to school districts by November of each year;
- (2) Applications are reviewed by the Teacher Compensation Assistance Oversight Board in December;
- (3) Applications are approved or rejected by the South Dakota Board of Education in January;
- (4) Districts are notified of the state board's decision by February 1 of each year of the funds available for the following school year.

General Authority: SDCL 13-3-73, 13-3-75.

Law Implemented: SDCL 13-3-73, 13-3-74, 13-3-75.

24:54:04:03. Required documentation. A school district's application for teacher compensation funds must include the following documentation:

- (1) District instructional goals, market compensation, other specific district requirements as approved by the department, or a combination of all criteria upon which funding is to be based that relate to the achievement of district plans and instructional goals;
- (2) Source of matching funds; and
- (3) Demonstration of an evaluation process to determine how objectives will be met and funds accounted for.

General Authority: SDCL 13-3-73, 13-3-75.

Law Implemented: SDCL 13-3-73, 13-3-74, 13-3-75

24:54:04:04. Award criteria., In determining whether to award teacher compensation funds to a school district and the amount of the award, the oversight board and the state board shall consider the following:

- (1) The district's plans and instructional goals;
- (2) The district's market compensation strategies;
- (3) The district's fall enrollment numbers;
- (4) Matching funds provided by the district and the source of the matching funds;
- (5) Whether the funds will be used in accordance with the provisions of
24:54:03:01;

- (6) Any requirements established by the department for the individual district based on special or unique needs or situations in the district that affect the district's ability to meet its plans and instructional goals or to provide compensation for its teachers.

Teacher compensation funds may be denied if the criteria specified in this section are not met or if the state board determines that additional factors are present that would impede the district in its efforts to meet its plans and instructional goals.

General Authority: SDCL 13-3-73, 13-3-75.

Law Implemented: SDCL 13-3-73, 13-3-74, 13-3-75